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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,185	12/09/2003	Yuuji Hasegawa	FUJR 20.787	4869
26304	7590	12/19/2005	EXAMINER	
KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585			DATSKOVSKIY, MICHAEL V	
			ART UNIT	PAPER NUMBER
			2835	
DATE MAILED: 12/19/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

H-1A

Office Action Summary

Application No.

10/731,185

Applicant(s)

HASEGAWA ET AL.

Examiner

Michael V. Datskovskiy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/09/03; 09/21/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 4-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Pell et al (US Patent 6,084,772).

Pell et al teach a communication device 30, Figs. 1-12, that generates heat, comprising: a high-temperature heat-generating section 36 that generates high-temperature heat (col. 6, lines 1-4); a first heat-dissipating fin section 24 mounted on said high-temperature heat-generating section 36, said first heat-dissipating fin section having a heat pipe 70 and fins 68 provided on said heat pipe; a low-temperature heat-generating section 38 that generates low-temperature heat (col. 6, lines 5-9) having a lower temperature than that of the high-temperature heat generated by said high-temperature heat-generating section; and a second heat-dissipating fin section 26 mounted on said low-temperature heat-generating section, said second heat-dissipating fin section having a heat-receiving plate , and fins 48 provided on said heat-receiving plate. Pell et al teach furthermore: said communication device including a protection cover 80 for covering said first heat-dissipating fin section, and wherein said fins 68 provided on said heat pipe are fixed to said protection cover 80, wherein an inside of said protection cover and said fins 68 of said first heat-dissipating fin section are rigidly fixed to each

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other (col.7, lines 1-9), and wherein said first heat-dissipating fin section has a plate having said heat pipe disposed heat-receiving thereon, and wherein said high-temperature heat-generating section includes a printed board, and wherein said printed board is rigidly fixed to said heat-receiving plate having said heat pipe disposed thereon (col. 6, lines 23-49). Pell et al teach furthermore said communication device, wherein said high-temperature heat-generating section includes transistors 46 that generate heat, and wherein said transistors are in contact with a heat-receiving plate 35 having said heat pipe end 74 disposed thereon. Regarding the limitation of the claim 4, stating that said cover and said fins are rigidly fixed to each other by brazing: It has been given patentable weight, because it is well settled that the presence of process limitations in product claim, which product does not otherwise distinguish over the prior art, cannot impact patentability to that product. (in re Johnson, 157 USPQ 670, 1968).

3. Claims 1, 5-8 are also rejected under 35 U.S.C. 102(e) as being anticipated by Hasegawa et al (US Patent Application Publication 2002/0160742A1).

Hasegawa et al teach a communication device 6, Figs. 1-11, that generates heat, comprising: a high-temperature heat-generating section 40 that generates high-temperature heat (par. [0036]); a first heat-dissipating fin section 50 mounted on said high-temperature heat-generating section 40, said first heat-dissipating fin section having a heat pipe 56 and fins 58 provided on said heat pipe; a low-temperature heat-generating section 24 that generates low-temperature heat having a lower temperature than that of the high-temperature heat generated by said high-temperature heat-generating section; and a second heat-dissipating fin section 26 mounted on said low-

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temperature heat-generating section, said second heat-dissipating fin section having a heat-receiving plate (see Fig. 2), and fins provided on said heat-receiving plate.

Hasegawa et al teach furthermore: said first heat-dissipating fin section has a plate 54 having said heat pipe 56 disposed heat-receiving thereon, and wherein said high-temperature heat-generating section includes a printed board 66, and wherein said printed board is rigidly fixed to said heat-receiving plate 54 having said heat pipe disposed thereon Hasegawa et al et al teach furthermore said communication device, wherein said high-temperature heat-generating section includes transistors that generate heat, and wherein said transistors are in contact with a heat-receiving plate having said heat pipe 56 disposed thereon, and said communication device further includes an air duct cover 82 for covering said fins of said first heat-dissipating fin section and said fins of said second heat-dissipating fin section to cause air from a cooling fan 68 to pass between said fins of said first heat-dissipating fin section and said fins of said second heat-dissipating fin section.

4. The prior art made of record provided in the PTO Form 892 and not relied upon is considered pertinent to applicant's disclosure.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael V. Datskovskiy whose telephone number is (571) 272-2040. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on (571) 272-2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael V Datskovskiy
Primary Examiner
Art Unit 2835

12/08/2005